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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,034	12/31/2003	Bert P. Van Drieenhuizen	2102393-991151	3699
26379	7590 09/08/2005	EXAMINER		
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
E. FALO AL	10, CA 94303-2240		2872	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time many be available under the provincing of 3° CPR 1.136(a). In an event, however, may a reply be timely filed Extensions of the reply specified above is less than thinty (30) days, a reply within the statatory minimum of thinty (30) days will be considered timely. If the period for reply specified above is less than thinty (30) days, a reply within the statatory minimum of thinty (30) days, a will be considered timely. If the period for reply specified above is less than thinty (30) days, a reply within the statatory minimum of thinty (30) days will be considered timely. If the period for reply specified above is less than thinty (30) days, a reply within the station of the period of the considered timely. If the period for reply specified above is less than thinty (30) days, a reply within the station of the period of the considered timely. If the period for reply specified above is less than thinty (30) days will be considered timely. If the period for reply specified above is less than thinty (30) days will be considered timely. If the period for reply specified above is less than thinty (30) days will be considered timely. If the period for reply specified above is less than thinty (30) days will be reply and will deply the station of the considered timely. If the period for reply specified the considered timely. If the period for reply specified the considered timely. If the period for reply specified to communication. Application is GPINAL. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is FINAL. 2c) This action is FINAL. 2c) This action is formation of relieve with a considered timely. If the period for a considered timely are period or period for formal matters, prosecution as to the merits is closed in accordance with the period for a considered timely. If the period for the		Application No.	Applicant(s)					
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1) Responsive to communication(s) filed on	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 							
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-32 Is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-32 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(a) Interview Summary (PTO-1413) Paper No(c)/Mail Date. 10 Notice of Dratsperson's Patent Orawing Review (PTO-948) Si Notice of Informal Patent Application (PTO-152)	Status							
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	1) Notice of References Cited (PTO-892)							
	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal Pa	te					

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1- first embodiment of a MEMS apparatus - Figure 1A, 1B

Species 2 - second embodiment of a MEMS apparatus - Figure 2

Species 3 - third embodiment of a MEMS apparatus – Figure 3

Species 4 - fourth embodiment of a MEMS apparatus – Figure 5A

Species 5 - fifth embodiment of a MEMS apparatus - Figure 5B

Species 6 - sixth embodiment of a MEMS apparatus - Figure 7

Species 7 - seventh embodiment of a MEMS apparatus - Figure 9A, 9B

Species 8 - eighth embodiment of a MEMS apparatus - Figure 10A, 10B

Species 9- ninth embodiment of a MEMS apparatus – Figure 11A, 11B

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Mr. Barry Young on 24 August 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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4. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alessandro V. Amari whose telephone number is (571)

272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ava(W/ 23 August 2005

Alessandro Amari Examber AU2872